

## **REMARKS**

In response to the above-identified Office Action (“Action”), Applicants traverse the Examiner’s rejection to the claims and seeks reconsideration thereof. Claims 1-14 are pending in the present application. In this response, claims 1, 3, 4, 5, 11 and 12 are amended, claim 2 is cancelled and no claims are added.

### **I. Claim Amendments**

In this response, claims 1, 11 and 12 are amended. Claims 1 and 11 are amended to incorporate the limitations recited in now cancelled claim 2. Claims 3, 4 and 12 are amended for consistency with the amendments to claims 1 and 11. Claim 5 is amended to depend from claim 1 instead of now cancelled claim 2. Thus, the amendments do not add new matter and are supported by the specification. In view of the foregoing, Applicants respectfully request consideration and entry of the amendments to claims 1, 3, 4, 5, 11 and 12.

### **II. Claim Rejections – 35 U.S.C. §103**

A. In the outstanding Action, the Examiner rejects claims 1 and 11 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,480,839 issued to Whittington et al. (“Whittington”) in view of U.S. Patent No. 6,711,562 issued to Ross et al. (“Ross”). Applicants respectfully traverse the rejections for at least the following reasons.

To establish a *prima facie* case of obviousness, the Examiner must show that the cited reference teaches or suggests each of the elements of a claim. Hindsight reconstruction may not be used to modify the reference to meet the claimed invention. MPEP § 2145. Furthermore, the fact that the claimed invention is within the capabilities of one of ordinary skill in the art, without some showing of an objective reason for modifying the reference to arrive at the claimed invention, is not sufficient to establish a *prima facie* case of obviousness. *In re Kotzab*, 217 F.3d 1365, 1371, 55 USPQ2d 1313, 1318 (Fed. Cir. 2000).

In regard to independent claims 1 and 11, Applicants respectfully submit neither Whittington nor Ross, alone or in combination, teach at least the element of “the related information includes key information, a key pointer and a node pointer” as recited in claims 1

and 11. The Examiner admits Whittington and Ross fail to teach a “node pointer.” See Action, page 3. The failure of the references to further teach “key information” and “a key pointer” is further evidenced by the Examiner’s failure to reject claim 2 (which originally recited these elements) in view of Whittington and Ross. Thus, for at least the foregoing reasons, amended claims 1 and 11 are not *prima facie* obvious over Whittington in view of Ross. Applicants respectfully request reconsideration and withdrawal of the rejection of claims 1 and 11 under 35 U.S.C. §103 over Whittington in view of Ross.

**B.** In the outstanding Action, the Examiner rejects claims 2-10 and 12-14 under 35 U.S.C. §103(a) as being unpatentable over Whittington in view of Ross as applied to claim 1, and further in view of U.S. Patent No. 5,848,416 issued to Tikkanen et al. (“Tikkanen”). Applicants respectfully traverse the rejections for at least the following reasons.

In regard to claim 2, claim 2 is cancelled and therefore the rejection of claim 2 on this basis is moot.

In regard to independent claim 8, Whittington, Ross and Tikkanen fail to teach or suggest at least the elements of “if the inputted IP address is consistent with the key value, searching an outgoing interface by using a key pointer included in the node,” “if the inputted IP address is not consistent with the key value, determining a type of the node by searching a node pointer” and “if the node is a leaf node, searching the outgoing interface by acquiring the key pointer if the inputted IP address is consistent with the key value” as recited in claim 8.

In finding claim 8 obvious over the references, the Examiner generally states “see the rejections above and note IP is mentioned in Whittington et al, col 1 lines 15+.” See Action, page 3.

As previously discussed in regard to claims 1 and 11, however, Whittington and Ross fail to teach or suggest “a node pointer” and “a key pointer.” The Examiner alleges Tikkanen cures the deficiencies of Whittington and Ross with respect to “a node pointer” in stating that Tikkanen “teaches the inclusion of a node type” in col. 4, lines 55+. Applicants respectfully submit the mere teaching of “a node type” does not teach a “node pointer” much less “if the inputted IP

address is not consistent with the key value, determining a type of the node by searching a node pointer” as recited in claim 8.

The Examiner’s general statement further fails to specifically identify a portion of Whittington, Ross or Tikkanen teaching or suggesting “if the inputted IP address is consistent with the key value, searching an outgoing interface by using a key pointer included in the node” and “if the node is a leaf node, searching the outgoing interface by acquiring the key pointer if the inputted IP address is consistent with the key value” as further recited in claim 8. None of the rejections previously raised specifically identify a portion of the references teaching each of these elements. If the Examiner chooses to maintain the rejections on this basis, Applicants respectfully request the Examiner clarify where within the references each of these elements are found. Since the Examiner fails to identify a portion of the references teaching each of these elements, the Examiner fails to establish that claim 8 is *prima facie* obvious over Whittington, Ross and Tikkanen. Applicants respectfully request reconsideration and withdrawal of the rejection of claim 8 under 35 U.S.C. §103 over Whittington, Ross and Tikkanen.

In regard to independent claim 13, Whittington, Ross and Tikkanen fail to teach or suggest at least the elements of “if the inputted IP address is consistent with the key value, searching an outgoing interface by using a key pointer included in the node,” “if the inputted IP address is not consistent with the key value, determining a type of the node by searching a node pointer” and “if the node is a leaf node, searching the outgoing interface by acquiring the key pointer if the inputted IP address is consistent with the key value” as recited in claim 13. In finding claim 13 obvious over the references, the Examiner generally relies upon his previously discussed rejections. See Action, page 4. For at least the reasons discussed in regard to claim 8, nowhere within the previously raised rejections has the Examiner specifically identified a portion of the references teaching each of these elements. If the Examiner chooses to maintain the rejections on this basis, Applicants respectfully request the Examiner clarify where within the references each of these elements are found. Since the Examiner has not shown that each element of claim 13 is found within the references, a *prima facie* case of obviousness has not been established. Applicants respectfully request reconsideration and withdrawal of the rejection of claim 13 under 35 U.S.C. §103 over Whittington, Ross and Tikkanen.

In regard to dependent claim 7, claim 7 depends from claim 1 and incorporates the limitations thereof. Thus, for at least the reasons mentioned in regard to claim 1, Whittington, Ross and Tikkanen fail to teach or suggest each and every element of claim 7. Claim 7 is further not *prima facie* obvious over the references for at least the reason that the Examiner fails to provide any sort of reasoning for rejecting claim 7 much less address where within the references the Examiner believes each of the elements of claim 7 are found. Applicants have reviewed Whittington, Ross and Tikkanen and fail to discern a portion of the references alone or in combination teaching or suggesting “wherein addresses of the other key information except the first key information are located based on an equation as: Address of nth Key=Key pointer Kp+(Number of Bits Assigned to a key\*n)where n represents a location of a packet” as recited in claim 7. Thus, for at least these additional reasons, the Examiner fails establish that claim 7 is obvious over Whittington, Ross and Tikkanen. For at least the foregoing reasons, Applicants respectfully request reconsideration and withdrawal of the rejection of claim 7 under 35 U.S.C. §103 over Whittington, Ross and Tikkanen.

In regard to claims 3-6, 12 and 14, these claims depend from claims 1, 11 or 13 and incorporate the limitations thereof. For at least the reasons previously discussed, the Whittington, Ross and Tikkanen fail to teach or suggest each and every element of claims 1, 11 and 13, and thus further fail to teach or suggest each of the elements of claims 3-6, 12 and 14. Thus, claims 3-6, 12 and 14 are not *prima facie* obvious over Whittington, Ross and Tikkanen. Applicants respectfully request reconsideration and withdrawal of the rejection of claims 3-6, 12 and 14 under 35 U.S.C. §103 over Whittington, Ross and Tikkanen.

C. In the outstanding Action, the Examiner rejects claims 1 and 11 under 35 U.S.C. §103(a) as being unpatentable over Tikkanen in view of Ross. Applicants respectfully traverse the rejections for at least the following reasons.

In regard to independent claims 1 and 11, Applicants respectfully submit neither Tikkanen nor Ross, alone or in combination, teach at least the element of “the related information includes key information, a key pointer and a node pointer” as recited in claims 1 and 11. The Examiner admits Ross fail to teach a “node pointer.” See Action, page 3. The failure of the references to teach “key information, a key pointer and a node pointer” is further

evidenced by the Examiner's failure to reject claim 2, which originally recited these features, in view of Tikkanen and Ross. Thus, for at least the foregoing reasons, amended claims 1 and 11 are not *prima facie* obvious over Tikkanen in view of Ross. Applicants respectfully request reconsideration and withdrawal of the rejection of claims 1 and 11 under 35 U.S.C. §103 over Tikkanen in view of Ross.

### CONCLUSION

In view of the foregoing, it is believed that all claims now pending, namely claims 1 and 3-14, are now in condition for allowance and such action is earnestly solicited at the earliest possible date. If there are any additional fees due in connection with the filing of this response, please charge those fees to our Deposit Account No. 02-2666. Questions regarding this matter should be directed to the undersigned at (310) 207-3800.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR, & ZAFMAN LLP

Dated: February 27, 2007

By: \_\_\_\_\_

  
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#### CERTIFICATE OF TRANSMISSION

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